



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Kendall M. Mohler

Docket No.: 2982-A

Serial No.: 10/033,522

Art Unit: 1646

Filed: October 18, 2001

Examiner: Andres, J.

For: **METHODS FOR TREATING RHEUMATOID ARTHRITIS
USING IL-17 ANTAGONISTS**

DECLARATION UNDER 37 CFR §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, James E. Klaniecki, declare that:

I am of record as Applicant's representative for the subject application. All actions, events and observations described in this declaration occurred in the United States prior to June 6, 2000.

Immunex Corporation had an invention disclosure program prior to June 6, 2000. This program was implemented to formally document and catalogue Invention Notices submitted by employees. An employee would access an Invention Notice template through the company's intranet, fill out the pertinent information and submit an electronic version as well as a signed paper copy to the law department. The date of the original submission for the electronic version was automatically imbedded into the Invention Notice.

I declare an Invention Notice was submitted by M. Patricia Beckmann, PhD. prior to the referenced effective date of June 6, 2000 (Submission No: 2982). A true copy of the Invention Notice is attached as Exhibit A. In addition, the paper version was executed by Dr. Beckmann prior to the effective date of June 6, 2000.

The suggested title of the invention was "Use of IL17 antagonists in rheumatoid arthritis." The IL-17 antagonists were described as being a

- new use or biological activity of a protein;
- new indication for a product;
- combination therapy;
- compound that inhibits the biological activity of a protein;
- new assay, for a new or known factor; and
- new assay or technique for identifying inhibitors of a protein.

The Invention Notice describes the potential clinical uses of IL-17 antagonists in either direct, combination or adjuvant therapeutic modalities for rheumatoid arthritis. Dr. Beckmann also stated that IL-17 antagonists might be particularly useful in cases of RA that are refractory to therapeutic intervention with other known RA antagonists.

In summary, the Immunex Invention Notice provided in Exhibit A establishes that the subject matter of the present claims was invented prior to the June 6, 2000 issue date of U.S.P.N. 6,072,037, which is the date the '037 patent became available as prior art.

I further declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both (18 USC 1001), and may jeopardize the validity of the application or any patent issuing thereon.


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3-16-04
Date

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